

Message Text

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E.O. 11652: GDS
TAGS: SHUM, US, NU
SUBJECT: HUMAN RIGHTS: DECISION TIME

REF: (A) STATE 090555, (B) MANAGUA 1506

SUMMARY: THE RECENT LONG SUBCOMMITTEE HEARINGS ON HUMAN RIGHTS IN NICARAGUA APPARENTLY HAVE NOT DISSUADED REP. KOCH FROM HIS ANNOUNCED INTENT TO SPONSOR AMENDMENT TO TERMINATE THE LONG-STANDING U.S. ASSISTANCE RELATIONSHIP WITH THE GON. THE DEP SHOULD NOW DECIDE WHETHER AND HOW IT INTENDS TO RESPOND. EMB BELIEVES IT WOULD BE A MISTAKE TO DEFAULT TO CONGRESS ON THIS ISSUE INASMUCH AS ANTI-GON ATMOSPHERE IS BASED, AT LEAST IN PART, ON DISTORTED INFORMATION. END SUMMARY

1. THE RECENTLY CONCLUDED LONG SUBCOMMITTEE HEARINGS ON THE STATUS OF HUMAN RIGHTS IN NICARAGUA IN WHICH PRO-SOMOZA SPOKESMEN ATTEMPTED TO DEFEND THE REGIME APPEARS TO HAVE MADE LITTLE IMPACT ON AT LEAST ONE CONGRESSMAN (KOCH), WHO IS COMMITTED TO SPONSORING AN AMENDMENT TO TERMINATE U.S. MILITARY (AND PROBABLY ECONOMIC) ASSISTANCE PROGRAMS (REFTEL A). AS THERE IS NO DOMESTIC LOBBY
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TO OPPOSE KOCH, OTHER THAN A POSSIBLE INTERVENTION BY REP. MURPHY, IT SEEMS LIKELY THAT MR. KOCH WILL SUCCEED IF UNAPPOSED BY THE ADMINISTRATION.

2. ASSISTANCE PROGRAMS ARE BY LAW SUBJECT TO TERMINATION IF FINDING IS REACHED THAT HUMAN RIGHTS ARE CONSISTENTLY AND GROSSLY ABUSED. EMB HAS EXTENSIVELY REPORTED ON HUMAN

RIGHTS SITUATION AND CONCLUDED THAT HUMAN RIGHTS PROBABLY HAVE BEEN GROSSLY ABUSED AT TIMES, ESPECIALLY LAST YEAR, AND THAT SOME HARASSMENT OF CAMPESINOS IS HISTORICAL, BUT THAT PROBLEM OF SERIOUS VIOLATIONS IS SUBSTANTIALLY RELATED TO COUNTER-INSURGENCY OPERATIONS OF GN AGAINST CUBAN-BACKED FSLN GUERRILLAS. EVEN IN THIS AREA, WHERE REPORTS EXIST OF TORTURE AND SUMMARY EXECUTIONS BY GN, THERE IS ALSO EVIDENCE OF CAPTURED GUERRILLA SUSPECTS WHO HAVE BEEN RELEASED ON BASIS OF INSUFFICIENT EVIDENCE OR PUBLICALLY TRIED AND REPRESENTED BY LEGAL COUNSEL. EMB AND MANY OPPOSITION POLITICIANS BELIEVE U.S. HAS BEST CHANCE OF INFLUENCING MODERATION IN GN AND GON IF ASSISTANCE RELATIONSHIP IS NOT INALTERABLY BROKEN OFF.

3. EMB STRONGLY REGRETS APPARENT PREPAREDNESS OF SOME MEMBERS OF CONGRESS AND THEIR STAFFERS TO UNCRITICALLY ACCEPT REPORTAGE IN U.S. MEDIA WHICH, AS EMB HAS INDICATED, CONTAINS ERRORS, OVERSTATEMENTS AND TIME SEQUENCE CONFUSION. IF CONGRESS IS TO ACCEPT THESE SOURCES AS DEFINITIVE, THEN IMPORTANCE FOR EMB TO CONSCIENTIOUSLY SEEK, ANALYZE, AND REPORT INFORMATION REGARDING HUMAN RIGHTS SITUATION IS DIMINISHED. SINCE FRASER COMMITTEE HEARINGS LAST YEAR, EMBAS HAS INVESTED AT LEAST A MAN-YEAR OF EFFORT ON HUMAN RIGHTS SITUATION. NEW YORK TIMES REPORTER, RIDING, VISITED NICARAGUA FOR FOUR-DAYS AND TIME MAGAZINE REPORTER, DEIDRICH, ABOUT 24 HOURS.

4. UPDATED LIST OF DISAPPEARED CAMPESINOS FURNISHED BY CAPUCHIN PRIESTS, CURRENTLY BEING ANALYZED, INDICATES LAST CONFIDENTIAL

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REPORTED DISAPPEARANCE WAS OF ONLY ONE PERSON IN FEBRUARY. LIST ALSO CONTAINS NAMES OF SEVERAL PERSONS WHO HAVE REAPPEARED AFTER EARLIER HAVING BEEN REPORTED DETAINED BY GN. IT THEREFORE WOULD APPEAR GN HAS MODERATED ITS COUNTER-INSURGENCY PRACTICES AS EMB HAS CONSISTENTLY BEEN WORKING TO ACHIEVE. AT THE SAME TIME, EMB HAS ALSO URGED IMPARTIAL INVESTIGATION OF PAST REPORTS OF SERIOUS HUMAN RIGHTS VIOLATIONS, WHICH HAS NOT OCCURRED AND WHICH PROBABLY WILL BE FOREVER PRECLUDED IF ASSISTANCE IS CUT OFF.

5. EMB BELIEVES THERE WILL NOT ONLY BE DEGRADATION IN TRADITIONAL MUTUALLY COOPERATIVE RELATIONS IF ASSISTANCE IS TERMINATED, BUT ALSO U.S. WILL HAVE GREATLY REDUCED LEVERAGE OVER GON IN PROMOTING VARIETY OF OTHER U.S. INTERESTS IN NICARAGUA (SEE PARM, REFTEL B).

6. DEPT MAY DECIDE THESE COMMERCIAL AND POLITICAL INTERESTS ARE NOT WORTH ACTIVE ROLE IN REAFFIRMING TO CONGRESS EMB PERCEPTIONS AND HOW THEY DIFFER FROM NEWS REPORTS, BUT EMB

WOULD REGRET DEPT DEFAULTING SIMPLY BECAUSE IT HAD NOT FOCUSED SUFFICIENTLY ON THE ISSUE. ACCORDINGLY, EMB REQUESTS DECISION BY SECRETARY WHETHER DEPT SHOULD AND WILL ACTIVELY OPPOSE EFFORTS OF KOCH TO TERMINATE ASSISTANCE RELATIONSHIP ON THE BASIS OF EMB PERCEPTION THAT AT PRESENT TIME A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS DOES NOT EXIST. FURTHER, THOSE VIOLATIONS WHICH MAY CONTINUE TO EXIST ARE MUCH MORE AMENABLE TO AMELIORATION IF OUR ASSISTANCE RELATION CONTINUES.

7. IF SECRETARY DECIDES TO OPPOSE KOCH AMENDMENT, EMB BELIEVES INITIATIVE SHOULD BEGIN NOW WITH APPROPRIATION COMMITTEE MEMBERS AND OTHER KEY CONGRESSMEN.
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